

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-4, 6-18, 20) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, the Examiner objected to the specification in three places for the reasons listed on page 2 of the Office Action. Applicants have made the changes suggested by the Examiner to overcome these objections. The Examiner then rejected claims 15-17 as being indefinite. Applicants have amended claim 15 to depend from claim 14 as suggested by the Examiner and has amended claim 13 to make it clear that the femoral component is positively recited.

The Examiner then rejected claims 1-4, 6 and 13 as being anticipated by Baldwin et al. U.S. Patent No. 7,207,993. Applicants have amended independent claims 1 and 13 to require the guide to be formed by a split bifurcated section on either the bracket first portion or arm for guiding the clamping element. This portion is formed by a slit through the thickness of the first portion or arm at a location intermediate it's side surfaces. This structure is clearly shown in FIGS. 7 and 8 in which the metal arm or bracket first portion is split and spread apart to form the guide. This structure is discussed in paragraphs [0035] and [0036]. It is submitted that the changes to claims 1 and 13 overcome the rejection over Baldwin et al. as anticipating claims 1-4, 6 and 13 and also in the rejection of claims 7-10, 14 and 15 as being obvious thereover.

With regard to claims 18-20, these claims were rejected as being obvious over a combination of Baldwin et al. and Harwin U.S. Patent No. 5,163,961. Applicants have amended claim 18 to include language similar to that added to claims 1 and 13. Depending claim 19 has been cancelled and the limitations thereof added to claim 18. Again, it is submitted

that amended claim 18 has structure not shown in any combination of the references cited by the Examiner. Neither Getscher et al. or Barnes teach that the arm or first portion of the bracket be split intermediate it's sides and bifurcated and dimpled to form an opening for receiving the element which wraps around the bone. This structure again is shown in FIGS. 7 and 8 of the present application and discussed in paragraphs [0035] and [0036].

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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